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20 September 2012

Hon. Joseph F. Bianco  
Eastern District Court of New York  
100 Federal Plaza  
Central Islip, NY 11722

RE: Konrad v. Epley, et al.  
Docket No. 12 CV 4021  
Via ECF

Dear Judge Bianco:

I am writing in answer to the letter to you from William Brown, dated September 14, 2012, disputing the valid affidavit of service for process served on defendant Brown's wife Elichia in their then-home at 17 Adams Lane in Southampton on August 15, 2012.

William Brown's statement that his "family resides in New Canaan, Ct., which has been my residence since prior to any attempted service" is a misstatement. In his letter to this court, Mr. Brown denies that 17 Adams Lane is or was his "dwelling" or "legal place of abode," claiming 17 Adams Lane as "an investment property." I am attaching a redacted letter to the editor by Mr. Brown, The Southampton Press dated 24 December 2009, in which he states (attachment 1):

"We live in the Rosko neighborhood and built one of the houses Evelyn Konrad opposes. We're not spec builders, not that it's relevant. We live here full time raising a family and have enjoyed getting to know others in the area."

The same process server served William Brown's wife, Alicia aka Elichia Brown, at the same address, 17 Adams Lane in the Rosko neighborhood or subdivision of Southampton Village, on February 15, 2010, and Mr. Brown did not dispute the service. (Attachment 2)

Until Spring 2012, when William Brown bought a property in New Canaan, the 17 Adams Lane address was his only legal residence, and, as shown by my email to two friends dated 20 August 2012, he appears not to have moved from that address until August 20, five days after my process server served his wife, Elichia, in their home at 17 Adams Lane, in front of his daughter. In the email I refer to in the previous sentence (attachment 3), I state:

"when I got back from grocery shopping around 6 or so pm, I thought I saw a large moving truck in the Brown driveway. . ."

Do this letter and the three attachments put this service dispute to rest?

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Evelyn Konrad', written in a cursive style.

Evelyn Konrad

Attachments 1. Redacted Brown Letter to the Editor, The Southampton Press, 24 December 2009  
2. Affidavit of service William Brown, accepted by his wife, on February 19, 2010  
3. Copy of 20 August 2012 email by Plaintiff Konrad to friends noting a moving van in the 17 Adams Lane driveway for Elichia and William Brown

cc: By U.S. Mail: Courtesy Copy to Judge Joseph F. Bianco  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

By U.S. Mail to William Brown  
27 Old Stamford Road  
New Canaan, CT 06840

687 Oanoke Ridge  
New Canaan, CT 06840

Plant a tree

1/13/10 7:45 PM

Publication: Southampton Press - Eastern; Date: Dec 24, 2009; Section: Letters to the Editor; Page: A15



## **Plant a tree**

We live in the Rosko neighborhood and built one of the houses Evelyn Konrad opposes. We're not spec builders—not that it's relevant. We live here full time raising a family and have enjoyed getting to know others in the area.

We're new to the village and process, starting with an empty lot. This was our first house. We hired a wonderful architect tasked with designing a house for a growing family, but traditional and cottage-like in style.

**WILLIAM BROWN**

Southampton

NEW YORK COUNTY

ATTORNEY(S): EVELYN KONRAD, ESQ. PH: 212-585-1240  
ADDRESS: 200 E. 84th ST NEW YORK NY 10028 File No.:



Date Filed: February 18, 2010  
Court Date:  
Assigned Justice:

EVELYN KONRAD

VS.  
WILLIAM BROWN

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF SUFFOLK SS.:

PATRICIA CONROY, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On Friday, February 19, 2010 at 10:27AM at 17 ADAMS LANE SOUTHAMPTON, NY 11968 deponent Served the within

SUMMONS WITH NOTICE

on: WILLIAM BROWN  
Defendant therein named.

The index number and the filing date of the action were endorsed upon the face of the papers so served herein.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person.

#2 CORPORATION ☐ By delivering to and leaving with \_\_\_\_\_ and that deponent knew the person so served to be the authorized agent of the corporation, and said person stated that he/she was authorized to accept service on behalf of the corporation.

#3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to ALICIA BROWN - WIFE a person of suitable age and discretion. Said premises is recipient's: ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called, merged, on \_\_\_\_\_ at \_\_\_\_\_

on \_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_

Address confirmed by \_\_\_\_\_

MAR - 3 2010

#5 MAIL COPY ☒ On 2/23/2010, deponent completed service under the last two sections by depositing a true copy of each document to the the above address in a 1st Class postpaid properly addressed envelope not indicating that mailing was for an attorney or concerned legal action and marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Sex: Female Color of skin: White Color of hair: Blonde Age: appx. 30'S Height: appx. 5'4"  
Weight: appx. 140 Other Features:

#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARYSRVC ☒ Your deponent asked person spoken to whether the defendant was in the active military service of the United States or N. Y. State and received a negative reply. Upon information and belief I have; being based on the conversation and observations above narrated, defendant is not in the military service.

#10 OTHER ☐

Sworn to before me on this 23 day of FEBRUARY, 2010

DIANNE GONZALEZ-PRINGLE  
NOTARY PUBLIC, State of New York  
No. 01G06025621, Qualified in Suffolk County  
Term Expires June 01, 2011

PATRICIA CONROY

Server's Lic #

InvoiceWorkOrder 0956168

ONE WORLD JUDICIAL SERVICES, INC. - P.O. Box 93 - DEER PARK, NY 11729 { 631.667.8260 }

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From: ek616367 &lt;ek616367@cs.com&gt;

To: efoxmd &lt;efoxmd@optonline.net&gt;; esallyc &lt;esallyc@optonline.net&gt;

Date: Mon, Aug 20, 2012 7:24 pm

Hi friends:

when I got back from grocery shopping around 6 or so this pm, I thought I saw a large moving truck in the Brown driveway. If either of you knows anything about that, it would, of course, be helpful.

In the meantime, he got off scott-free, and I've been damaged.

Love, Evelyn

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